

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State/Territory: Montana

ELIGIBILITY CONDITIONS AND REQUIREMENTS

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Process for the Investigation of Allegations of Resident Neglect  
and Abuse and Misappropriation of Resident Property

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The State has in effect the following process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide or a resident in a nursing facility or by another individual used by the facility in providing services to such a resident.

The Department of Health and Environmental Sciences (DHES) has promulgated interim policies and procedures which mandate that all allegations of resident abuse, neglect, and/or misappropriation of funds by a nurse aide or any other unlicensed individual providing services to a resident of a nursing facility be reported to the Licensing and Certification Bureau's abuse investigation unit. Allegations of resident abuse, neglect, and/or misappropriation of funds by any licensed personnel must be reported to the appropriate licensing board. Additionally, all cases of suspected resident abuse, neglect, or misappropriation of funds must be reported to the long term care ombudsman.

Within twenty-four hours of any report of suspected resident abuse, neglect, or misappropriation of personal property, the facility's administrator (or designee) must initiate an investigation of allegations. The results of all investigations must be reported to the department's abuse investigation unit within five working days of the incident. The abuse investigation unit staff reviews all allegations and investigates allegations when the facility investigation is judged to be insufficient or when the incident meets immediate and serious threat criteria. When the incident meets risk criteria, on-site investigations are scheduled as soon as possible but at least within seven days of the date of the initial report.

The Montana Elder Abuse Act requires that resident abuse which results in (1) the infliction of physical or mental injury; (2) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older or developmentally disabled person; and (3) misappropriation of personal property be reported by the state agency to the county attorney.

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